

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STARSHA M. SEWELL,

Plaintiff,

vs.

VATTEROTT EDUCATIONAL
CENTERS, INC.,

Defendant.

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Case No. 4:10CV00875 AGF

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Starsha M. Sewell's Motion for Default Judgment [Doc. #9] and Defendant Vatterott Education Centers, Inc.'s First Motion for Leave to File Its Motion to Dismiss and in Opposition to Plaintiff's Motion for Default Judgment ("Motion for Leave") [Doc. #10]. Plaintiff filed her Complaint *pro se* on May 13, 2010 [Doc. #1]. Under the Administrative Procedures for Case Management/Electronic Case Filing (CM/ECF), Sections I.A and III.B, parties proceeding *pro se* are exempt from electronic case filing. Defendant was served with Plaintiff's Complaint on June 15, 2010 and Defendant's Answer was due to this Court no later than July 6, 2010.

On July 2, 2010, Defendant electronically filed its First Motion to Dismiss Case [Doc. #8] using the Court's ECF System for filing and transmittal of Notice of Electronic Filing to Plaintiff. On July 12, 2010, Plaintiff filed a Motion for Default Judgment [Doc. #9] because she had not been served with a paper copy of Defendant's Answer or a Motion to Dismiss by mail. On July 13, 2010, Defendant filed its Motion for Leave [Doc. #10], in which Defendant claims that it inadvertently failed to serve Plaintiff with a paper copy of Defendant's First Motion to Dismiss Case by mail and did not realize its mistake until it received Plaintiff's Motion for Default

Judgment. Doc. #10 at 1. Defendant mailed Plaintiff a paper copy of its Motion to Dismiss immediately after receiving the Plaintiff's Motion for Default. Id. at 2.

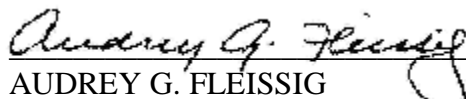
Having reviewed the Plaintiff's Motion for Default Judgment and the Defendant's Motion for Leave, this Court finds that no harm or prejudice will result to any party by allowing Defendant to file its Motion to Dismiss out of time. The Defendant is directed to review the Administrative Procedures for Case Management/Electronic Case Filing (CM/ECF) and to serve Plaintiff with a paper copy of any future electronically filed documents.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Starsha M. Sewell's Motion for Default Judgment [Doc. #9] is **DENIED**.

IT IS FURTHER ORDERED that Defendant Vatterott Education Centers, Inc.'s First Motion for Leave to File Its Motion to Dismiss and in Opposition to Plaintiff's Motion for Default Judgment [Doc. #10] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff shall file her response to Defendant's Motion to Dismiss [Doc. #8] no later than **July 26, 2010**.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 14th day of July, 2010.